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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,417	02/18/2004	Michael A. Betz	P06659US0-5184	6745
34082 7590 06/26/2007 ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE			EXAMINER	
			LAZO, THOMAS E	
400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			ART UNIT	PAPER NUMBER
•			3745	
	,		MAIL DATE	DELIVERY MODE
		· ·	06/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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,	Application No.	Applicant(s)	
	10/782,417	BETZ ET AL.	
Office Action Summary	Examiner	Art Unit	
	Thomas E. Lazo	3745	
The MAILING DATE of this communication Period for Reply	appears on the cover sheet	with the correspondence address	
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b).	C DATE OF THIS COMMUN R 1.136(a). In no event, however, may riod will apply and will expire SIX (6) Mo atute, cause the application to become	IICATION. a reply be timely filed DNTHS from the mailing date of this communication ABANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 2/	/18/04.		ŀ
<u> </u>	This action is non-final.		
3) Since this application is in condition for allocal closed in accordance with the practice under the condition of the co	•	•	is
Disposition of Claims			
4)⊠ Claim(s) <u>1-8</u> is/are pending in the application	on		
4a) Of the above claim(s) is/are without			
5) Claim(s) is/are allowed.			1
6)⊠ Claim(s) <u>1-8</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction an	d/or election requirement.		
Application Papers			
9) The specification is objected to by the Exam	niner.		
10)⊠ The drawing(s) filed on <u>18 February 2004</u> is	/are: a)⊠ accepted or b)[objected to by the Examiner.	
Applicant may not request that any objection to	the drawing(s) be held in abey	ance. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the cor	rection is required if the drawir	g(s) is objected to. See 37 CFR 1.121	(d).
11)☐ The oath or declaration is objected to by the	Examiner. Note the attach	ed Office Action or form PTO-152.	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:	ign priority under 35 U.S.C	§ 119(a)-(d) or (f).	
1. Certified copies of the priority docum	ents have been received.		
2. Certified copies of the priority docum	ents have been received in	Application No	
Copies of the certified copies of the p	priority documents have bee	n received in this National Stage	
application from the International Bur			
* See the attached detailed Office action for a	list of the certified copies no	ot received.	
Attachment(s)			
1) Notice of References Cited (PTO-892)		Summary (PTO-413)	{
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 		o(s)/Mail Date f Informal Patent Application	
a) [PTO/SB/08] Paper No(s)/Mail Date <u>5/21/04</u> .	6) Other: _	- · ·	
Potent and Trademark Office			

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Cozens et al. (6,533,556). Cozens et al. discloses a roller vane pump 10 for a hydraulic system with an inlet 16a in fluid communication with the hydraulic system, a first outlet 20a,22a in fluid communication with a first hydraulic circuit 26a, a second outlet 20b,22b in fluid communication with a second hydraulic circuit 26b, a second inlet 16b independent of the first inlet 16a, wherein the first and second outlets are independent of each other and the first and second outlets are diametrically opposed to each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Betz in view of Cozens et al. Betz teaches for a hydraulic system with a hydrostatic pump 12 in fluid communication with the hydraulic system and driven by a driveshaft 12a, a charge pump 26 driven by the driveshaft 12a and having an inlet 28 in fluid communication with the hydraulic system and an outlet 34, a charge circuit 38 in fluid communication with the outlet 34, and an auxiliary circuit 40 in fluid communication with the outlet 34. Betz does not disclose that the charge pump has a first and second outlet independent of each other to communicate with the charge circuit and the auxiliary circuit, respectively, wherein the charge pump is a multiple roller vane pump, the first and second outlets are diametrically opposed to each other, the roller vane pump has a second inlet independent of the first inlet.

Cozens et al. teaches for a pump 10 used in an automotive transmission and that the pump 10 has a first and second outlet independent of each other to communicate with a first circuit 26a and a second circuit 26b, respectively, wherein the pump 10 is a multiple roller vane pump, the first and second outlets are diametrically opposed to each other, the roller vane pump has a second inlet independent of the first inlet for the purposes of controlling energy losses without using complex valving systems. See Cozens et al. col. 1, lines 10-53.

Since Betz and Cozens et al. are both hydraulic systems that supply two independent circuits from a single pump, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system of Betz, based on the teachings of Cozens et al., to have the charge pump include a first and second outlet independent of each other to communicate with the charge circuit and the auxiliary circuit, respectively, wherein the charge pump is a multiple roller vane pump, the first and second outlets are diametrically

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opposed to each other, the roller vane pump has a second inlet independent of the first inlet for the purposes of controlling energy losses without using complex valving systems.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of seven patents.

Miyazaki et al., Chung, Kubik, Bristow, Hansen et al., Adams et al., and Muller are cited to show pumps with multiple outlets.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas E. Lazo Primary Examiner

Thomas E. Jays

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June 14, 2007